

## UNITED STATES DISTRICT COURT

for the  
Western District of Washington

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)  
Facebook, Inc. and Instagram SUBJECT  
ACCOUNTS, more fully described in  
Attachment A

Case No. MJ21-635

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Facebook, Inc. and Instagram Subject Accounts more fully described in Attachment A, incorporated herein by reference.

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 922(g)	Felon in Possession of a Firearm.
21 U.S.C. § 924(c)	Possessing Firearms in Furtherance of Drug Trafficking Crimes.
21 U.S.C. § 841(a)(1)	Distribution of, and Possession with Intent to Distribute, Controlled Substances.
18 U.S.C. § 1591(a)(1) & (b)(1)	Sex Trafficking through Force, Fraud, and Coercion.
18 U.S.C. § 2421	Transportation for the Purpose of Prostitution.

The application is based on these facts:

- ☒ See Affidavit of Det. Alexander Grotzky, continued on the attached sheet.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☒ by reliable electronic means; or: ☐ telephonically recorded.



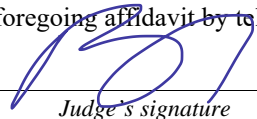
Applicant's signature

Alexander Grotzky, King County Detective

Printed name and title

- ☐ The foregoing affidavit was sworn to before me and signed in my presence, or  
☒ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 11/24/2021



Judge's signature

City and state: Seattle, Washington

Brian A. Tsuchida, United States Magistrate Judge

Printed name and title

# AFFIDAVIT OF ALEXANDER GROTZKY

STATE OF WASHINGTON                    )  
  )  
COUNTY OF KING                        )                    SS

I, Alexander Grotzky, a Detective with the King County Sheriff's Office, Seattle, Washington, having been duly sworn, state as follows:

## AFFIANT BACKGROUND

1. I am a Detective with the King County Sheriff's Office (KCSO), Seattle, Washington and have been so employed since October 2015. I was previously a law enforcement officer in the State of Colorado since April 2005. During that time, I served as a patrol officer as well as a narcotics detective on a Drug Task Force, working in an undercover capacity making controlled purchases of narcotics.

2. I am currently assigned as a detective with the SeaTac Street Crimes Unit. Some of my responsibilities include investigating narcotic related offenses and vice crimes within King County. I have been involved in numerous narcotics investigations as well as human trafficking/promoting prostitution investigations throughout my career in law enforcement. During my tenure in law enforcement, I have also investigated and assisted in investigating numerous other crimes, including assaults, crimes against persons, and crimes involving the possession and use, theft, or transfer of firearms.

3. I completed the Basic Law Enforcement Academy in Colorado as well as the Washington State Basic Law Enforcement Equivalency Academy in 2015. In 2010, I attended and completed the Drug Enforcement Administration's 80-hour basic narcotics investigator school. In 2019, I attended the WISN Human Trafficking conference and have since attended multiple vice related trainings. Since 2020, I have instructed classes on vice related operations within the King County Sheriff's Office. During these investigations, I have also participated in the execution of search warrants and the seizure of evidence indicating the commission of criminal violations.

4. The facts set forth in this Affidavit are based on my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; review of documents and records related to this investigation; communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience. The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers, and witnesses. This Affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

#### **IDENTIFICATION OF THE SUBJECT ACCOUNTS TO BE SEARCHED**

5. I am submitting this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant for the following Facebook and Instagram accounts:

- Account ID Facebook: <https://www.facebook.com/everett.kennebrew>
- Account ID Instagram: <https://www.instagram.com/hotheaddev>

(hereafter referenced as “SUBJECT ACCOUNTS”). The accounts are for Facebook and Instagram accounts for the target of this investigation, EVERETT HAYES. As set forth below, law enforcement has received information regarding the above accounts through interviews conducted and intelligence database searches.

6. The above user IDs identify Facebook and Instagram accounts stored at premises owned, maintained, controlled, or operated by Facebook Inc. (“Facebook”), a social networking company headquartered in Menlo Park, California. The information to be searched is described in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Facebook to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B,

1 government-authorized persons will review that information to locate the items described  
2 in Section II of Attachment B.

3 7. As discussed below, there is probable cause to believe that HAYES used  
4 the SUBJECT ACCOUNTS. In addition, as further explained below, there is probable  
5 cause to believe that HAYES has violated Title 18, United States Code, Section 922(g)  
6 (Felon in Possession of a Firearm); Title 18, United States Code, Section 924(c)  
7 (Possessing Firearms in Furtherance of Drug Trafficking Crimes); Title 21, United States  
8 Code, Section 841(a)(1) (Distribution of, and Possession with Intent to Distribute,  
9 Controlled Substances); Title 18, United States Code, Section 1591(a)(1) and (b)(1) (Sex  
10 Trafficking through Force, Fraud, and Coercion); and Title 18, United States Code,  
11 Section 2421 (Transportation for the Purpose of Prostitution), and that the SUBJECT  
12 ACCOUNTS will contain evidence, instrumentalities, contraband, and fruits of violations  
13 of these listed offenses, which are described in Attachment B.

14 8. This Affidavit is being presented electronically pursuant to Local Criminal  
15 Rule CrR 41(d)(3).

### 16 **JURISDICTION**

17 9. This Court has jurisdiction to issue the requested warrant because it is “a  
18 court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a),  
19 (b)(1)(A), & (c)(1)(A). Specifically, the Court is “a district court of the United States . . .  
20 that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).]

### 21 **SUMMARY OF PROBABLE CAUSE**

#### 22 **A. HAYES’s Criminal History**

23 10. I have reviewed court and law enforcement records related to EVERETT  
24 JAMESLEE HAYES’s criminal history. These records show that HAYES has an active  
25 protection order that prohibits him from possessing firearms, in addition to nine felony  
26 convictions that include felony violation of a protection order, robbery in the second  
27 degree, unlawful possession of a firearm in the second degree, harassment, theft in the  
28 first degree, theft in the second degree, and residential burglary.

11. Specifically, HAYES has been convicted of the following crimes for which he was sentenced to a term of imprisonment exceeding one year:

i. *Domestic Violence Felony Violation of a Court Order*, under cause number 18-1-03277-2, dated on or about June 7, 2019, in King County Superior Court, Washington, under the alias EVERETT JAMES KENNEBREW;

ii. *Unlawful Possession of a Firearm in the Second Degree and Assault in the Third Degree – Domestic Violence*, under cause number 15-1-01092-8, dated on or about July 17, 2015, in King County Superior Court, Washington, under the alias EVERETT JAMES KENNEBREW; and

iii. *Robbery in the Second Degree and Felony Harassment*, under cause number 11-1-10661-2, dated on or about January 20, 2012, in King County Superior Court, Washington, under the alias EVERETT JAMES KENNEBREW.

**B. HAYES's July 20, 2021 Arrest**

12. On July 20, 2021, King County Sheriff's Office (KCSO) Sergeant Hamill, supervisor of the SeaTac Street Crimes Unit, conducted a community area check of the Motel 6 parking lot located at 20651 Military Road South, SeaTac, Washington, and encountered a male bleeding from his face. Sergeant Hamill saw a white SUV quickly pull out of the parking stall driving over the curb and heading north towards the exit. Based on the male's significant injury, the fact that the injured male had been looking at the white SUV as it left, and the SUV's quick departure after driving over the curb, Sergeant Hamill believed that this vehicle had some connection to male as well as the significant injury Sergeant Hamill observed.

13. Sergeant Hamill followed the SUV out of the complex trying to identify its license plate as well as its make and model. While he was following the SUV, it ran a red light before taking the on-ramp to northbound Interstate 5. Sergeant Hamill eventually caught up to the SUV and identified it as a Hyundai Tucson bearing California license #8PWL189.

14. KCSO Master Police Officer (MPO) Bugosh arrived in the area and Sergeant Hamill directed him to the Hyundai. MPO Bugosh began following the Hyundai

1 as it pulled into the gas station on the northeast corner of South 200 Street and  
2 International Boulevard South, where MPO Bugosh conducted a traffic stop.

3 15. MPO Bugosh contacted the driver and only occupant, who was later  
4 identified as EVERETT JAMESLEE HAYES. The driver's door opened as MPO Bugosh  
5 came to a stop behind the vehicle. HAYES immediately got out of the driver's seat, shut  
6 the door, and faced MPO Bugosh. MPO Bugosh immediately noticed that HAYES's right  
7 pants pocket was inside-out, which was indicative of someone quickly removing an item  
8 from tight-fitting jeans. MPO Bugosh told HAYES to come to the front of the patrol car  
9 and sit on the front bumper, where MPO Bugosh frisked him for weapons, finding none.

10 16. HAYES asked why he was "being detained." MPO Bugosh explained that a  
11 detective had watched an incident unfold at the Motel 6 and had seen him quickly leaving  
12 the scene. HAYES said he did not have any identification on him, and verbally identified  
13 himself to MPO Bugosh as EVERETT KENNEBREW. MPO Bugosh performed a record  
14 check of HAYES and confirmed his identity with a matching driver's license photo.  
15 HAYES's current Washington driver's license is in the name EVERETT JAMESLEE  
16 HAYES, although he previously had a driver's license issued in the name EVERETT J  
17 KENNEBREW. HAYES's driver's license status was suspended, and he was required to  
18 use an ignition interlock device when driving, which the Hyundai did not have.

19 17. MPO Bugosh arrested HAYES for driving with a suspended license and  
20 driving a vehicle without the required ignition interlock device. MPO Bugosh placed  
21 HAYES into handcuffs without incident and read him his Miranda rights, which HAYES  
22 said he understood. The Hyundai Tucson SUV was secured by KCSO Sergeant Barden  
23 pending a search warrant.

24 18. During a search incident to arrest, MPO Bugosh seized two .40 caliber  
25 rounds of ammunition from HAYES's pants pocket. When MPO Bugosh removed the  
26 bullets, HAYES asked "Is that illegal?" Assuming that HAYES knew that it was for him,  
27 being a convicted felon, MPO Bugosh confirmed that it was illegal for him to possess  
28 those items. HAYES also had two cell phones, (1) one black cell phone, unknown make



1 and (2) one blue OnePlus cell phone. He also had \$1,889.00 cash on his person. HAYES  
2 asked MPO Bugosh numerous times why officers were impounding his girlfriend's car  
3 and asking what they were going to look for.

4 19. At approximately 3:25 p.m., MPO Bugosh spoke with an individual named  
5 A.C., who said that she was renting the vehicle but had loaned it to HAYES to pick up  
6 his girlfriend and pay for a room at the motel. MPO Bugosh explained to A.C. that her  
7 vehicle was taken pending a search warrant and that HAYES was in SCORE jail. A.C.  
8 stated that the vehicle was "empty" when she loaned it to HAYES.

9 **C. Search of Hyundai Tucson operated by HAYES**

10 20. KCSO Detective Grotzky obtained a search warrant for the white Hyundai  
11 Tucson that HAYES had been driving. When Detective Kelly searched the Hyundai, he  
12 located a Taurus PT140Pro pistol in .40 caliber in the center console. The pistol had a  
13 loaded magazine and a spent shell casing in the chamber.

14 21. ATF Special Agent Brian Arnold is an interstate nexus expert who has  
15 received specialized training in identifying firearms and their place of manufacture. SA  
16 Arnold has examined photographs of the Taurus PT140Pro pistol in .40 caliber and the  
17 two .40 caliber rounds of ammunition located in HAYES's pocket from HAYES's July  
18 20, 2021 arrest and the Smith & Wesson SD40VE pistol in .40 caliber, and one round of  
19 .40 caliber of ammunition located in the SD40VE pistol, and determined that both  
20 firearms and the rounds of ammunition were manufactured outside the State of  
21 Washington. Therefore, the firearm and rounds of ammunition must have traveled in  
22 interstate or foreign commerce before being possessed in the state of Washington.

23 **D. Search of Hotel Room #231**

24 22. Later that day, Sergeant Hamill returned to the motel and joined several  
25 detectives and deputies who were searching the area where Sergeant Hamill had last seen  
26 the injured male.

27 23. Detective Myklebust and Detective Ghrmai advised that blood had been  
28 located on the lower level and a trail had been followed up to room #231. Due to the

1 amount of blood and the explanation of injury from Sergeant Hamill, Detective  
2 Myklebust and Detective Ghrmai located room #231, found the door to the room ajar,  
3 and entered the room to provide lifesaving efforts to anyone injured or unconscious  
4 inside. No one was located inside the room. While inside room 231, detectives noticed  
5 what appeared to be a bullet hole in the door of the room. Based on the damage,  
6 detectives believe the bullet hole would have occurred from the inside of room 231. The  
7 room was secured by Detective Myklebust and Detective Ghrmai pending a search  
8 warrant. A request was put out to local hospitals for a possible victim who may have  
9 sought aid.

10 24. Detective Ghrmai contacted the neighboring unit to the south (232) and  
11 spoke to the room's occupants, M.B. and S.B. M.B. informed Detective Ghrmai that  
12 earlier that day, she had heard a fight next door and could hear multiple males and a  
13 female arguing. M.B. stated that she had heard what sounded like someone getting  
14 slammed into the wall. M.B. said she had been returning from a trip when she heard the  
15 argument. S.B. advised Detective Ghrmai she was sleeping while M.B. was gone, but  
16 awoke to what she thought was a gunshot. S.B. said she wasn't sure if it was a gunshot  
17 because the sound is what woke her up. S.B. further stated that she could hear an  
18 argument next door but no other gunshots. S.B. said that she was scared and did not want  
19 to open the door to find out what was going on. S.B. and M.B. informed Detective  
20 Ghrmai they did not see anyone who was involved in the altercation; they could just hear  
21 it.

22 25. Law enforcement has reviewed surveillance video footage at the Motel 6  
23 and observed a subject who matched HAYES's description (white t-shirt, black/white  
24 pants, black hat, ponytail) exit room 231 shortly before Sergeant Hamill arrived at the  
25 motel. Further viewing of the video footage shows HAYES carrying under his shirt a  
26 shiny item consistent with a firearm.

27 26. After obtaining a search warrant, KCSO Detectives Kelly and Grotzky  
28 searched room 231 taking photographs and recovered biological evidence.



**E. HAYES's Involvement in Prostitution/Sex Trafficking**

27. On August 4, 2021, I listened to a voice mail from HAYES in which he stated that he wanted his money and phone back, and that he wanted to sue the King County Sheriff's Office as a result of his July 20, 2021 arrest. HAYES requested a call back and provided a call-back number of 253-508-3082. I called this number, which went straight to voice mail, and left a message for HAYES asking him to call him back.

28. I conducted a law enforcement database search of the number 253-508-3082 and learned that it had been used to post online sex advertisements in the Seattle area. Specifically, I located multiple different advertisements that featured photographs of a woman, subsequently identified as T.M., over the past year. These advertisements of T.M. were posted on multiple different websites including privatedelights.ch, megapersonals.com, and onebackpage.com, all of which are known "escort" sites that are commonly used to advertise individuals engaged in prostitution. One posting contained several photographs of T.M., including a nude photograph with her breasts exposed. Several advertisements included the same narrative, which I am aware from training and experience is typical of the language used to advertise prostitution services and rates. The narrative on several posts stated: "Hey gentlemen my name is Sheena Bonita. I'm a curvy blasian & native american with 42DDD bust [insert of winking face emoji]. Your time with me is always unrushed and I aim to please and make sure you're comfortable and left satisfied. I am TNA certified and have great reviews. I am always clean and professional so I expect the same in return! Looking forward to hearing from you, lets have some fun! [insert kissing face emoji] Ask about VIP menu!" Additionally on this post was a price menu with the following prices: "QV 150 150 HH 200 HR 250 GFE +50 extra." I was aware through training and experience that these terms are commonly used in the commercial sex trade. For example, "QV" is short for a "quick visit" or "quicky", "HH" references a half hour of time, "HR" is an hour visit that commonly involves sexual intercourse, and "GFE" is short for "girlfriend experience," which means that the prostitute will act as if they are the sex purchaser's actual girlfriend. Based upon the

1 language used and photographs included on these advertisements, I concluded that they  
2 clearly advertised commercial sex.

3 29. As noted above, the advertisements reviewed by me contained photographs  
4 of a female with the stage name of “TasheenaBonita.” This female appeared to me to be  
5 a female named T.M., who was listed as an associate of HAYES in another recent case  
6 (King County Sheriff’s Office case number C21023693), in which HAYES is the suspect  
7 in a motor vehicle theft. I compared T.M.’s Washington State Department of Licensing  
8 photograph to the photographs on the online advertisements and confirmed that  
9 “TasheenaBonita” was T.M. In addition, a law enforcement database search indicated  
10 that the 253-508-3082 phone number that HAYES had given to me was listed to an  
11 individual named T.M.

12 30. As part of his involvement on the above-described motor vehicle theft case,  
13 I learned that a woman named T.N. had accused HAYES of taking her vehicle, a red  
14 Dodge Challenger BKD7436. I then sent a text message to the 253-508-3082 number  
15 that HAYES had given me as a call-back number in which I posed as a commercial sex  
16 customer interested in setting up a “date.” A short time later, I received a message from  
17 this number. The message, which purported to be from a woman, stated that she was  
18 currently in the Hollywood area of Los Angeles.

19 31. On August 6, 2021, law enforcement applied for and obtained a court order  
20 that provided the GPS location coordinates for the 253-508-3082 phone number. Later  
21 that evening, after sending the order to Verizon Wireless, I learned that HAYES had been  
22 arrested in Los Angeles, California for driving a stolen vehicle and having a firearm in  
23 his possession. During this time, Sergeant Hammill learned the King County  
24 Prosecutor’s Office would decline to extradite HAYES from California if charges were  
25 filed in the case. HAYES was released from custody in Los Angeles several days after  
26 his arrest.

27 32. I continued to check law enforcement databases and learned that an online  
28 “escort” advertisement for this number had been posted on the website Privatedelights.ch

1 on August 12, 2021. I am aware that Privatedelights.ch is an online escort website that  
2 caters to advertisements for sex workers. The advertisement had a photograph of T.M.  
3 and the text indicated that the advertisement had been posted in Los Angeles, California,  
4 and the photographs and wording indicated that it was an advertisement for prostitution.  
5 I checked for additional advertisements and found additional postings for prostitution  
6 advertisements for "TasheenaBonita" between August 12, 2021, and August 26, 2021, in  
7 the Los Angeles area. In addition, the phone location "pings" from this cell phone  
8 number matched the advertisement location in the greater Los Angeles area.

9 33. On August 27, 2021, the phone location "pings" showed the phone's  
10 location in Portland, Oregon. This same date, an online prostitution/escort advertisement  
11 featuring a photograph of "TasheenaBonita" was posted in Portland, Oregon. Similar  
12 advertisements featuring "TasheenaBonita" until August 31, 2021.

13 34. After receiving information that HAYES had a Facebook account under the  
14 name "Preneur Ponopoly," I found a publicly available account with that profile name.  
15 Upon reviewing the account, I saw that the account user name is listed to  
16 "Everett.Kennebrew" (a known alias of HAYES) and had multiple photos of HAYES on  
17 its timeline. Looking through the Facebook postings, I observed multiple postings with  
18 HAYES tagging his location in the Los Angeles, California area between August 14,  
19 2021 through August 28, 2021, where he posted he was "Back in Seattle leaving town  
20 soon won't be here long tap in." It should be noted this post did not have a location tag  
21 with it.

22 35. I am aware, based upon my training and experience and my consultations  
23 with other law enforcement officers who have experience investigating crimes involving  
24 sex trafficking or prostitution, that sex traffickers/pimps often take their victims to  
25 different locations throughout the United States to see new clientele in order to make  
26 more money. I am aware that many sex traffickers/pimps will travel with their victims  
27 along the West Coast "circuit," which often includes travel to Seattle, Portland, Las  
28 Vegas, and Los Angeles. Each of these areas have known prostitution areas or "tracks."

1 My review of the information contained in the escort advertisements, phone location  
2 coordinates, and HAYES's Facebook posts are consistent with HAYES taking T.M. to  
3 Oregon and California for the purpose of prostitution.

4 **F. HAYES's October 7, 2021 Arrest**

5 36. On October 6, 2021, United States Magistrate Judge S. Kate Vaughan of  
6 the United States District Court for the Western District of Washington issued an arrest  
7 warrant for HAYES for violation of Title 18, United States Code, Section 922(g)(1)  
8 (Felon in Possession of Firearm and Ammunition).

9 37. On October 7, 2021, at approximately 11:00 a.m., local and federal law  
10 enforcement officers held a briefing to prepare for the execution of HAYES's outstanding  
11 federal warrant. After the briefing, law enforcement units established surveillance  
12 around HAYES's last known residence in Kent, Washington, but did not see signs of  
13 HAYES.

14 38. Law enforcement then attempted to utilize a ruse by contacting HAYES  
15 and advising him that he could take possession of the cash that had been seized from his  
16 person by KCSO deputies on July 20, 2021 by retrieving it at SeaTac City Hall. Law  
17 enforcement officers were advised that the money would not be released unless HAYES  
18 appeared in person.

19 39. At approximately 1:35 p.m., a white female wearing a green jacket, later  
20 identified as M.E.K., arrived SeaTac City Hall and asked to take custody of the cash on  
21 behalf of HAYES. KCSO deputies contacted M.E.K. and turned her away. M.E.K. then  
22 left on foot and walked towards a 76 gas station across the street. Special Agent (SA)  
23 Salcepuedes observed M.E.K. going into the store and then exiting a few minutes later,  
24 after which she got into the driver's seat of a silver Honda Civic 4 door sedan that was  
25 parked on the southwest corner of the gas station lot.

26 40. At approximately 1:52 p.m., the silver Honda Civic left the parking lot and  
27 traveled west to a Marathon gas station located at 2841 S. 188<sup>th</sup> Street in Seattle.  
28 Surveillance units followed the Honda Civic to the gas station, where they observed

1 M.E.K. parked by a gas pump. Shortly thereafter, HAYES, who had been walking in  
2 front of the gas station, got into the front passenger seat of the Honda Civic. After getting  
3 in, I observed his upper body lean forward as if he was placing something under the seat  
4 or on the floorboard. An arrest team moved in and initiated the arrest by activating their  
5 emergency lights. HAYES was taken out of the front passenger seat of the silver Honda  
6 Civic and arrested without incident. M.E.K. was taken out from the driver's seat of the  
7 silver Honda Civic and then detained. While taking HAYES out of the vehicle, SA  
8 Salcepuedes observed in plain view suspected narcotics – namely, pills that had “M” and  
9 “30” imprinted on them in a clear plastic baggie hanging on the front passenger side door  
10 inside a black fabric container. SA Salcepuedes also observed a pistol with a silver slide  
11 underneath the front passenger seat. Both the narcotics and firearm were in the  
12 immediate area of HAYES during the arrest.

13 41. HAYES was searched incident to arrest. Among other things, law  
14 enforcement discovered a silver iPhone, which was taken into custody.

15 42. SA Salcepuedes also recovered approximately 100 “M-30” pills weighing  
16 15 grams, which based upon his training and experience, he knew are often laced with  
17 fentanyl. I am aware, based upon my training and experience, that possession of 100 “M-  
18 30” pills are consistent with distribution quantities, as opposed to personal use. SA  
19 Salcepuedes also recovered the pistol underneath the front passenger seat. The pistol was  
20 a Smith & Wesson model SD40 VE, .40 caliber pistol with serial number FYT0363.  
21 While rendering it safe, SA Salcepuedes noted that the firearm was loaded and had a  
22 round in the chamber. A subsequent law enforcement database check on the Smith &  
23 Wesson pistol returned with no record.

24 43. HAYES was transported and booked for his outstanding federal warrant at  
25 the Federal Detention Center in SeaTac, Washington.

26 44. The Smith & Wesson model SD40 VE, .40 caliber pistol with serial number  
27 FYT0363 was subsequently sent to the King County Regional Identification Program  
28 Automatic Fingerprint Identification System (AFIS) for latent fingerprint testing. Latent

1 fingerprints were recorded from the Smith & Wesson pistol and were identified as  
2 belonging to HAYES.

3 **G. Interview of M.E.K.**

4 45. On October 7, 2021, ATF SA Natalia Vorotnikova and Task Force Officer  
5 (TFO) Todd Early had a recorded interview with M.E.K. following the arrest of HAYES.

6 46. M.E.K. stated that HAYES is her daughter's cousin who she had not seen  
7 for approximately two years until recently. M.E.K. advised on the day of the HAYES'  
8 arrest she was operating a 2006 silver Honda Civic. M.E.K. stated the vehicle was  
9 registered to her son, but she was the primary user. M.E.K. also added HAYES operated  
10 the vehicle on the day of the arrest.

11 47. M.E.K. stated on the day of the arrest HAYES called her and advised her  
12 that he was coming over. M.E.K. provided the investigators with HAYES's cellphone  
13 number (253-508-3082). M.E.K. stated during the phone call, HAYES asked her to pick  
14 up his belongings that had been seized at his prior arrest, and that the items were at the  
15 SeaTac Police Department.

16 48. M.E.K. advised that after HAYES arrived at her residence, she drove with  
17 HAYES to meet with M.E.K.'s daughter's father at the Econo Lodge. M.E.K. further  
18 stated after the meeting with daughter's father, she and HAYES drove to a hotel parking  
19 lot across the street from the Marathon gas station where the arrest was conducted. (Note:  
20 the hotel across the street from Marathon gas station was Double Tree by Hilton, located  
21 at 18740 International Boulevard, Seattle, Washington.) M.E.K. told law enforcement  
22 that HAYES drove the Honda Civic from Econo Lodge to Double Tree by Hilton.

23 49. After HAYES exited the vehicle, M.E.K. drove to SeaTac Police  
24 Department (PD). M.E.K. advised that she parked the vehicle at 76 gas station across the  
25 street from Seatac PD and walked across the street because her license was suspended.

26 50. M.E.K. stated when she met with the police officers, she was advised they  
27 could not release the money to her. M.E.K. stated she then walked back to her car,  
28 contacted HAYES, and told him the police could not release money to her. M.E.K. stated



1 that she drove to the Marathon gas station where she reconnected with HAYES. M.E.K.  
2 said that HAYES told her that he wanted to go to the police station to pick up his money  
3 himself.

4 51. M.E.K. stated that when the arrest was initiated, she was in the driver's seat  
5 and HAYES was in the passenger's seat. She further stated that she had no knowledge of  
6 the firearm the investigators recovered from her vehicle. M.E.K. added she was a  
7 convicted felon and could not possess a firearm.

8 52. Prior to the interview being conducted, the investigators located a bag with  
9 M-30 pills in a plastic bag suspected to contain fentanyl, took a photo of it and showed it  
10 to M.E.K. When inquired about the bag with pills, M.E.K. advised she had never seen  
11 those pills before.

12 53. M.E.K. reiterated she had not seen HAYES for years until recently and they  
13 communicated through Facebook. She further reiterated that she was not aware of the  
14 firearm and pills were in her vehicle. M.E.K. advised she had been incarcerated for  
15 narcotics related conviction and was released approximately three years ago.

16 **H. HAYES's October 8, 2021 Transport**

17 54. On October 8, 2021, ATF SAs Salcepuedes and Arnold transported  
18 HAYES from the Federal Detention Center to the United States District Court in Seattle  
19 for his initial appearance with a United States Magistrate Judge. SA Salcepuedes audio  
20 recorded the transport. At the start of the transport, SA Salcepuedes reminded HAYES  
21 that he had previously been read his Miranda rights.

22 55. Before the audio recording started, HAYES requested if he could make  
23 phone calls to his child's mother to get his Mercedes out of a parking spot at an  
24 apartment so it would not get towed. Upon learning that she was in Portland, he asked  
25 SA Salcepuedes to call M.E.K. During this conversation, which was conducted on  
26 speaker phone, HAYES told M.E.K. that she could pick up the keys to his Mercedes at  
27 the ATF office. HAYES also apologized to M.E.K. and told her "I'm gonna take  
28

1 responsibility for my actions.” HAYES apologized and told her he did not want her in  
2 trouble and concluded the phone call.

3 56. SA Salcepuedes asked HAYES if he was selling the pills that had been  
4 recovered at his arrest on the front passenger side door, to which HAYES replied “no.”  
5 HAYES admitted to being a drug user and stated that he used pills and  
6 methamphetamine. When SA Salcepuedes asked if he could tell him where he got the  
7 pills, HAYES replied “no” and stated that he had bought the pills from someone he knew  
8 that he did not want to give up.

9 57. HAYES then told agents of a different individual who he knew and got his  
10 “shit” from. HAYES told agents that he believed that person was a “snitch” and a “rat”  
11 (referring to a person who is an informant or provides information to law enforcement).  
12 HAYES stated that after learning about this, HAYES decided to rob this individual.

13 58. SA Salcepuedes asked HAYES if the reason why he is always armed is  
14 because of being robbed in the past. HAYES stated he had been robbed, jumped, and  
15 pistol whipped in the past. HAYES told agents he lost his right to bear arms and that he  
16 was being punished for that.

# 17 I. IDENTIFICATION OF SOCIAL MEDIA ACCOUNTS

18 59. Through investigation, law enforcement has determined that HAYES likely  
19 uses or used a Facebook account associated with the URL:

20 <https://www.facebook.com/everett.kennebrew>. Specifically, as noted above, while  
21 conducting follow-up from this incident, I located a facebook.com account under the  
22 name “Preneur Ponopoly.” The account user name is listed to Everett.Kennebrew (which  
23 is an alias of HAYES) and has multiple photos of HAYES on it. As noted above,  
24 HAYES’s publicly viewable posts included multiple postings with him tagging his  
25 location in the Los Angeles, California area between August 14, 2021 to August 28,  
26 2021, when he posted he was “Back in Seattle leaving town soon won’t be here long tap  
27 in.”  
28

1       60. I reviewed a posting on the account's "wall" dated July 16, 2021, that  
2 stated "FEDS WILL THROW THE BOOK AT ME IF THEY FIND WHATS IN THIS  
3 GUCCI BOOK BAG!"

4       61. Through investigation, agents have also determined that HAYES likely  
5 uses an Instagram account associated with URL: <https://www.instagram.com/hotheaddev>.  
6 I learned of this account after HAYES stated in a recent Facebook posting that he  
7 intended to stop posting on his Facebook account soon and directed people to view his  
8 Instagram count. Using various searches on Instagram, I found an account user name  
9 titled "hotheaddev" that had a photograph of HAYES on it. However, this account had  
10 privacy settings that prevented me from viewing any other content.

11       62. On 11/03/2021, and 11/05/2021, I served Facebook, Inc. with a  
12 preservation request pursuant to 18 U.S.C. § 2703(f), requiring Facebook to preserve all  
13 information associated with the SUBJECT ACCOUNTS. On November 9, 2021, I again  
14 checked HAYES's Facebook and Instagram accounts and found that they had been  
15 removed and were no longer publicly accessible.

16       63. Based on my training and experience, once Facebook preserves an account  
17 that data is kept by the company, even if the user deletes the account. In this situation, it  
18 appears the accounts have been deleted after they were preserved by Facebook.

19                   **KNOWLEDGE REGARDING FACEBOOK**

20       64. Through my training and experience, conversations with other law  
21 enforcement agents, and through review of Facebook's website, I am aware of the  
22 following information regarding records available from Facebook.

23       65. Facebook owns and operates a free-access social networking website of the  
24 same name that can be accessed at <http://www.facebook.com>. Facebook allows its users  
25 to establish accounts with Facebook, and users can then use their accounts to share  
26 written news, photographs, videos, and other information with other Facebook users, and  
27 sometimes with the general public.

1           66. Facebook asks users to provide basic contact and personal identifying  
2 information to Facebook, either during the registration process or thereafter. This  
3 information may include the user's full name, birth date, gender, contact e-mail  
4 addresses, Facebook passwords, physical address (including city, state, and zip code),  
5 telephone numbers, screen names, websites, and other personal identifiers. Facebook  
6 also assigns a user identification number to each account.

7           67. Facebook users may join one or more groups or networks to connect and  
8 interact with other users who are members of the same group or network. Facebook  
9 assigns a group identification number to each group. A Facebook user can also connect  
10 directly with individual Facebook users by sending each user a "Friend Request." If the  
11 recipient of a "Friend Request" accepts the request, then the two users will become  
12 "Friends" for purposes of Facebook and can exchange communications or view  
13 information about each other. Each Facebook user's account includes a list of that user's  
14 "Friends" and a "News Feed," which highlights information about the user's "Friends,"  
15 such as profile changes, upcoming events, and birthdays.

16           68. Facebook users can select different levels of privacy for the  
17 communications and information associated with their Facebook accounts. By adjusting  
18 these privacy settings, a Facebook user can make information available only to himself or  
19 herself, to particular Facebook users, or to anyone with access to the Internet, including  
20 people who are not Facebook users. A Facebook user can also create "lists" of Facebook  
21 friends to facilitate the application of these privacy settings. Facebook accounts also  
22 include other account settings that users can adjust to control, for example, the types of  
23 notifications they receive from Facebook.

24           69. Facebook users can create profiles that include photographs, lists of  
25 personal interests, and other information. Facebook users can also post "status" updates  
26 about their whereabouts and actions, as well as links to videos, photographs, articles, and  
27 other items available elsewhere on the Internet. Facebook users can also post information  
28 about upcoming "events," such as social occasions, by listing the event's time, location,

1 host, and guest list. In addition, Facebook users can “check in” to particular locations or  
2 add their geographic locations to their Facebook posts, thereby revealing their geographic  
3 locations at particular dates and times. A particular user’s profile page also includes a  
4 “Wall,” which is a space where the user and his or her “Friends” can post messages,  
5 attachments, and links that will typically be visible to anyone who can view the user’s  
6 profile.

7 70. Facebook allows users to upload photos and videos, which may include any  
8 metadata such as location that the user transmitted when s/he uploaded the photo or  
9 video. It also provides users the ability to “tag” (i.e., label) other Facebook users in a  
10 photo or video. When a user is tagged in a photo or video, he or she receives a  
11 notification of the tag and a link to see the photo or video. For Facebook’s purposes, the  
12 photos and videos associated with a user’s account will include all photos and videos  
13 uploaded by that user that have not been deleted, as well as all photos and videos  
14 uploaded by any user that have that user tagged in them.

15 71. Facebook users can exchange private messages on Facebook with other  
16 users. Those messages are stored by Facebook unless deleted by the user. Facebook  
17 users can also post comments on the Facebook profiles of other users or on their own  
18 profiles; such comments are typically associated with a specific posting or item on the  
19 profile. In addition, Facebook has a chat feature that allows users to send and receive  
20 instant messages through Facebook Messenger. These chat communications are stored in  
21 the chat history for the account. Facebook also has Video and Voice Calling features,  
22 and although Facebook does not record the calls themselves, it does keep records of the  
23 date of each call.

24 72. If a Facebook user does not want to interact with another user on Facebook,  
25 the first user can “block” the second user from seeing his or her account.

26 73. Facebook has a “like” feature that allows users to give positive feedback or  
27 connect to particular pages. Facebook users can “like” Facebook posts or updates, as  
28

1 well as webpages or content on third-party (i.e., non-Facebook) websites. Facebook  
2 users can also become “fans” of particular Facebook pages.

3 74. Facebook has a search function that enables its users to search Facebook for  
4 keywords, usernames, or pages, among other things.

5 75. Each Facebook account has an activity log, which is a list of the user’s  
6 posts and other Facebook activities from the inception of the account to the present. The  
7 activity log includes stories and photos that the user has been tagged in, as well as  
8 connections made through the account, such as “liking” a Facebook page or adding  
9 someone as a friend. The activity log is visible to the user but cannot be viewed by  
10 people who visit the user’s Facebook page.

11 76. Facebook also has a Marketplace feature, which allows users to post free  
12 classified ads. Users can post items for sale, housing, jobs, and other items on the  
13 Marketplace.

14 77. In addition to the applications described above, Facebook also provides its  
15 users with access to thousands of other applications (“apps”) on the Facebook platform.  
16 When a Facebook user accesses or uses one of these applications, an update about that  
17 the user’s access or use of that application may appear on the user’s profile page.

18 78. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP  
19 address. These logs may contain information about the actions taken by the user ID or IP  
20 address on Facebook, including information about the type of action, the date and time of  
21 the action, and the user ID and IP address associated with the action. For example, if a  
22 user views a Facebook profile, that user’s IP log would reflect the fact that the user  
23 viewed the profile, and would show when and from what IP address the user did so.

24 79. Social networking providers like Facebook typically retain additional  
25 information about their users’ accounts, such as information about the length of service  
26 (including start date), the types of service utilized, and the means and source of any  
27 payments associated with the service (including any credit card or bank account number).  
28 In some cases, Facebook users may communicate directly with Facebook about issues



1 relating to their accounts, such as technical problems, billing inquiries, or complaints  
2 from other users. Social networking providers like Facebook typically retain records  
3 about such communications, including records of contacts between the user and the  
4 provider's support services, as well as records of any actions taken by the provider or  
5 user as a result of the communications.

### 6 **BACKGROUND REGARDING INSTAGRAM**

7 80. Instagram is a service owned by Facebook. Specifically, Instagram is a  
8 free-access social networking service, accessible through its website and its mobile  
9 application, that allows subscribers to acquire and use Instagram accounts, like the target  
10 account associated with URL: <https://www.instagram.com/hotheadev> listed in  
11 Attachment A, through which users can share messages, multimedia, and other  
12 information with other Instagram users and the general public.

13 81. Facebook collects basic contact and personal identifying information from  
14 users during the Instagram registration process. This information, which can later be  
15 changed by the user, may include the user's full name, birth date, gender, contact e-mail  
16 addresses, physical address (including city, state, and zip code), telephone numbers,  
17 credit card or bank account number, and other personal identifiers. Facebook keeps  
18 records of changes made to this information.

19 82. Facebook also collects and retains information about how each user  
20 accesses and uses Instagram. This includes information about the Internet Protocol  
21 ("IP") addresses used to create and use an account, unique identifiers and other  
22 information about devices and web browsers used to access an account, and session times  
23 and durations.

24 83. Each Instagram account is identified by a unique username chosen by the  
25 user. Users can change their usernames whenever they choose but no two users can have  
26 the same usernames at the same time. Instagram users can create multiple accounts and,  
27 if "added" to the primary account, can switch between the associated accounts on a  
28 device without having to repeatedly log-in and log-out.

1       84. Instagram users can also connect their Instagram and Facebook accounts to  
2 utilize certain cross-platform features, and multiple Instagram accounts can be connected  
3 to a single Facebook account. Instagram accounts can also be connected to certain third-  
4 party websites and mobile apps for similar functionality. For example, an Instagram user  
5 can “tweet” an image uploaded to Instagram to a connected Twitter account or post it to a  
6 connected Facebook account, or transfer an image from Instagram to a connected image  
7 printing service. Facebook maintains records of changed Instagram usernames,  
8 associated Instagram accounts, and previous and current connections with accounts on  
9 Facebook and third-party websites and mobile apps.

10       85. Instagram users can “follow” other users to receive updates about their  
11 posts and to gain access that might otherwise be restricted by privacy settings (for  
12 example, users can choose whether their posts are visible to anyone or only to their  
13 followers). Users can also “block” other users from viewing their posts and searching for  
14 their account, “mute” users to avoid seeing their posts, and “restrict” users to hide certain  
15 activity and prescreen their comments. Instagram also allows users to create a “close  
16 friends list” for targeting certain communications and activities to a subset of followers.

17       86. Users have several ways to search for friends and associates to follow on  
18 Instagram, such as by allowing Facebook to access the contact lists on their devices to  
19 identify which contacts are Instagram users. Facebook retains this contact data unless  
20 deleted by the user and periodically syncs with the user’s devices to capture changes and  
21 additions. Users can similarly allow Facebook to search an associated Facebook account  
22 for friends who are also Instagram users. Users can also manually search for friends or  
23 associates.

24       87. Each Instagram user has a profile page where certain content they create  
25 and share (“posts”) can be viewed either by the general public or only by the user’s  
26 followers, depending on privacy settings. Users can customize their profile by adding  
27 their name, a photo, a short biography (“Bio”), and a website address.  
28

1        88. One of Instagram’s primary features is the ability to create, edit, share, and  
2 interact with photos and short videos. Users can upload photos or videos taken with or  
3 stored on their devices, to which they can apply filters and other visual effects, add a  
4 caption, enter the usernames of other users (“tag”), or add a location. These appear as  
5 posts on the user’s profile. Users can remove posts from their profiles by deleting or  
6 archiving them. Archived posts can be reposted because, unlike deleted posts, they  
7 remain on Facebook’s servers.

8        89. Users can interact with posts by liking them, adding or replying to  
9 comments, or sharing them within or outside of Instagram. Users receive notification  
10 when they are tagged in a post by its creator or mentioned in a comment (users can  
11 “mention” others by adding their username to a comment followed by “@”). An  
12 Instagram post created by one user may appear on the profiles or feeds of other users  
13 depending on a number of factors, including privacy settings and which users were  
14 tagged or mentioned.

15        90. An Instagram “story” is similar to a post but can be viewed by other users  
16 for only 24 hours. Stories are automatically saved to the creator’s “Stories Archive” and  
17 remain on Facebook’s servers unless manually deleted. The usernames of those who  
18 viewed a story are visible to the story’s creator until 48 hours after the story was posted.

19        91. Instagram allows users to broadcast live video from their profiles. Viewers  
20 can like and add comments to the video while it is live, but the video and any user  
21 interactions are removed from Instagram upon completion unless the creator chooses to  
22 send the video to IGTV, Instagram’s long-form video app.

23        92. Instagram Direct, Instagram’s messaging service, allows users to send  
24 private messages to select individuals or groups. These messages may include text,  
25 photos, videos, posts, videos, profiles, and other information. Participants to a group  
26 conversation can name the group and send invitations to others to join. Instagram users  
27 can send individual or group messages with “disappearing” photos or videos that can  
28 only be viewed by recipients once or twice, depending on settings. Senders can’t view

1 their disappearing messages after they are sent but do have access to each message's  
2 status, which indicates whether it was delivered, opened, or replayed, and if the recipient  
3 took a screenshot. Instagram Direct also enables users to video chat with each other  
4 directly or in groups.

5 93. Instagram offers services such as Instagram Checkout and Facebook Pay  
6 for users to make purchases, donate money, and conduct other financial transactions  
7 within the Instagram platform as well as on Facebook and other associated websites and  
8 apps. Instagram collects and retains payment information, billing records, and  
9 transactional and other information when these services are utilized.

10 94. Instagram has a search function which allows users to search for accounts  
11 by username, user activity by location, and user activity by hashtag. Hashtags, which are  
12 topical words or phrases preceded by a hash sign (#), can be added to posts to make them  
13 more easily searchable and can be "followed" to generate related updates from Instagram.  
14 Facebook retains records of a user's search history and followed hashtags.

15 95. Facebook collects and retains location information relating to the use of an  
16 Instagram account, including user-entered location tags and location information used by  
17 Facebook to personalize and target advertisements.

18 96. Facebook uses information it gathers from its platforms and other sources  
19 about the demographics, interests, actions, and connections of its users to select and  
20 personalize ads, offers, and other sponsored content. Facebook maintains related records  
21 for Instagram users, including information about their perceived ad topic preferences,  
22 interactions with ads, and advertising identifiers. This data can provide insights into a  
23 user's identity and activities, and it can also reveal potential sources of additional  
24 evidence.

25 97. In some cases, Instagram users may communicate directly with Facebook  
26 about issues relating to their accounts, such as technical problems, billing inquiries, or  
27 complaints from other users. Social networking providers like Facebook typically retain  
28 records about such communications, including records of contacts between the user and

1 the provider's support services, as well as records of any actions taken by the provider or  
2 user as a result of the communications.

3 98. For each Instagram user, Facebook collects and retains the content and  
4 other records described above, sometimes even after it is changed by the user (including  
5 usernames, phone numbers, email addresses, full names, privacy settings, email  
6 addresses, and profile bios and links).

7 **KNOWLEDGE REGARDING USE OF FACEBOOK AND INSTAGRAM**  
8 **ACCOUNTS AS INSTRUMENTALITIES OF THE CRIME**

9 99. The use of a Facebook or Instagram account to facilitate sex trafficking and  
10 interstate transportation for the purpose of prostitution is not unusual. Through my  
11 investigative experience, and based upon training and conversations with other law  
12 enforcement officers involved in sex trafficking/prostitution investigations, I am aware  
13 that persons involved in prostitution and sex trafficking often use social networking  
14 websites, including Facebook and Instagram, as a tool or instrumentality in committing  
15 their criminal activity. Specifically, pimps and sex traffickers often use Facebook and  
16 Instagram to identify potential recruits, to communicate with these recruits via Facebook  
17 Messenger/Instagram direct messaging or posts on a victim's "wall," and to keep track of  
18 their victims and their whereabouts.

19 100. I am also aware from my training and experience that pimps and sex  
20 traffickers will often take pictures of the females working for them and post these  
21 pictures on their Facebook or Instagram account. I am also aware from my training and  
22 experience that pimps and sex traffickers will often transport their victims to different  
23 cities and states to work as prostitutes. In such situations, pimps and sex traffickers will  
24 sometimes post on their Facebook or Instagram accounts about the locations where they  
25 are visiting and how much money they are making at these locations.

26 101. I am also aware from my training and experience that sex traffickers will  
27 often use the Internet to identify and recruit potential victims. In my experience,  
28

1 traffickers will often utilize social media websites such as Facebook and Instagram to  
2 either identify individuals who might be vulnerable to their coercion and exploitation.

3 102. Based upon the information set forth above, I believe that the two  
4 SUBJECT ACCOUNTS associated with HAYES are instrumentalities of Sex Trafficking  
5 through Force, Fraud, and Coercion and Transportation for the Purpose of Prostitution  
6 and are permeated with evidence of these crimes. A search of these accounts is needed to  
7 identify other potential victims who may have been exploited by HAYES.

8 103. I also know, based on my training and experience, that individuals engaged  
9 in drug trafficking or drug possession crimes will often take photographs of themselves  
10 with contraband, including drugs or firearms. They will then post said pictures on social  
11 media such as Facebook or Instagram. In my experience investigating drug trafficking  
12 and gun possession crimes, I have frequently seen and recovered photographs posted on  
13 social media websites, such as Facebook and Instagram, that depict suspects (including  
14 prohibited suspects) displaying and/or brandishing contraband, including drugs and  
15 firearms.

16 104. In addition, I also know, based on my training and experience, drug  
17 traffickers, such HAYES, use firearms to protect their drug transactions. Accordingly,  
18 drug traffickers, such as HAYES, will frequently acquire firearms from other individuals  
19 by trading for narcotics. Evidence of their negotiations for the illicit purchase and sale of  
20 firearms, in the form of text messages and/or other messaging applications, can and often  
21 are found on the messaging applications used by social media websites such as Facebook  
22 or Instagram. I have personally had the experience of searching, or causing others to  
23 search, social media accounts that have been seized in the course of a criminal  
24 investigations and found communications evidencing the acquisition and possession of  
25 firearms by prohibited individuals. Similarly, I am also aware of many individuals  
26 involved in drug trafficking to use messaging applications from Facebook or Instagram to  
27 communicate with their drug trafficking co-conspirators or customers regarding drug  
28



1 transactions, or to send pictures of contraband and controlled substances to their co-  
2 conspirators or customers.

3 105. Based upon the information set forth above, I believe that the two  
4 SUBJECT ACCOUNTS associated with HAYES will contains evidence,  
5 instrumentalities, contraband, and fruits of the violations of the crimes of Felon in  
6 Possession of a Firearm (Title 18, United States Code, Section 922(g); Possessing  
7 Firearms in Furtherance of Drug Trafficking Crimes (Title 18, United States Code,  
8 Section 924(c)) Distribution of, and Possession with Intent to Distribute, Controlled  
9 Substances (Title 21, United States Code, Section 841(a)(1)).

10 **POTENTIAL RELEVANCE OF DATA FROM FACEBOOK**  
11 **AND INSTAGRAM ACCOUNTS**

12 106. In my training and experience, evidence of who was using Facebook and  
13 Instagram and from where, and evidence related to criminal activity of the kind described  
14 above, may be found in the files and records described above. This evidence may  
15 establish the “who, what, why, when, where, and how” of the criminal conduct under  
16 investigation, thus enabling the United States to establish and prove each element or,  
17 alternatively, to exclude the innocent from further suspicion.

18 107. For example, the stored communications and files connected to the  
19 SUBJECT ACCOUNTS may provide direct evidence of the offenses under investigation.  
20 Based on my training and experience, instant messages, emails, voicemails, photos,  
21 videos, and documents are often created and used in furtherance of criminal activity,  
22 including to communicate and facilitate the offenses under investigation.

23 108. Account activity may also provide relevant insight into the account owner’s  
24 state of mind as it relates to the offenses under investigation. For example, information  
25 on the account may indicate the owner’s motive and intent to commit a crime (e.g.,  
26 information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting  
27 account information in an effort to conceal evidence from law enforcement).  
28

1           109. Stored communications including Facebook messenger chats or Instagram  
2 direct messages not only may contain communications relating to crimes, but also help  
3 identify and locate the participants in those crimes. Group lists and friend lists may help  
4 identify co-conspirators. Similarly, photographs and videos may help identify and locate  
5 the account holder and any co-conspirators. Search and browsing history can also be  
6 extremely useful in identifying those using anonymous online accounts and may also  
7 constitute direct evidence of the crime of labor trafficking or money laundering to the  
8 extent the browsing history or search history might include searches and browsing history  
9 related to worksites or attempts to recruit potential victims or conducting financial  
10 transactions with the proceeds of forced labor.

11           110. With respect to this case, I anticipate that the SUBJECT ACCOUNTS may  
12 contain photographs that may establish HAYES's involvement in the crimes set forth  
13 above, as well as communications between HAYES and co-conspirators and/or victims of  
14 his crimes. Therefore, the computers of Facebook are likely to contain all the material  
15 described above, including stored electronic communications and information concerning  
16 subscribers and their use of Facebook, such as account access information, transaction  
17 information, and other account information.

18           **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

19           111. I anticipate executing this warrant under the Electronic Communications  
20 Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by  
21 using the warrant to require Facebook to disclose to the government copies of the records  
22 and other information (including the content of communications) particularly described in  
23 Section I of Attachment B. Upon receipt of the information described in Section I of  
24 Attachment B, government-authorized persons will review that information to locate the  
25 items described in Section II of Attachment B.

**CONCLUSION**

112. Based on the foregoing, there is probable cause to believe that the SUBJECT ACCOUNTS, more particularly described in Attachment A, contain evidence and instrumentalities of the crimes of Felon in Possession of a Firearm (Title 18, United States Code, Section 922(g)); Possessing Firearms in Furtherance of Drug Trafficking Crimes (Title 18, United States Code, Section 924(c); Distribution of, and Possession with Intent to Distribute, Controlled Substances (Title 21, United States Code, Section 841(a)(1)); Sex Trafficking through Force, Fraud, and Coercion (Title 18, United States Code, Section 1591(a)(1) and (b)(1)) and Transportation for the Purpose of Prostitution (Title 18, United States Code, Section 2421, as described in Attachment B.

113. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

114. The government will execute this warrant by serving the warrant on Facebook. Because Facebook employees will compile the requested records at a time convenient to them, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

**REQUEST FOR SEALING AND NON-DISCLOSURE**

115. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court and that the Court issue an order prohibiting Facebook from disclosing the execution of this warrant to the account holder. These warrant documents discuss an ongoing investigation, the full scope and details of which are not known to the primary target of the investigation. Evidence obtained through this investigation, described in greater detail above, suggests that HAYES may be involved in sex trafficking through force, fraud, or coercion, or transportation for the purpose of prostitution. Further, the Facebook records sought through this investigation may lead to additional targets, such as co-conspirators and accomplices who facilitated HAYES's involvement in the above-described crimes. Accordingly, there is good cause to seal these documents because their

1 premature disclosure may give the target and co-conspirators an opportunity to flee from  
2 prosecution, destroy or tamper with evidence, change patterns of behavior, or otherwise  
3 jeopardize the investigation.

4  
5  
6   
7 ALEXANDER GROTZKY  
8 Detective  
9 King County Sheriff's Office

10 The above-named agent provided a sworn statement attesting to the truth of the  
11 contents of the foregoing affidavit by telephone on this 24th day of November, 2021.

12   
13  
14 BRIAN A. TSUCHIDA  
15 United States Magistrate Judge  
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**ATTACHMENT A**  
**ACCOUNTS TO BE SEARCHED**

This warrant applies to information associated with the following Facebook, Inc. and Instagram accounts:

- Account ID Facebook: <https://www.facebook.com/everett.kennebrew>
- Account ID Instagram: <https://www.instagram.com/hotheaddev>

that is stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California.

**ATTACHMENT B**

**I. Information to be disclosed by Facebook**

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each of the SUBJECT ACCOUNTS listed in Attachment A:

a. All contact and personal identifying information, including: full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers;

b. All activity logs for the account and all other documents showing the user's posts and other Facebook activities from January 1, 2020, to present;

c. All photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them from January 1, 2020, to present, including Exchangeable Image File ("EXIF") data and any other metadata associated with those photos and videos;

d. All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications, from January 1, 2020, to present;

e. All records or other information regarding the devices and internet browsers associated with, or used in connection with, that user ID, including the hardware model, operating system version, unique device identifiers, mobile network information, and user agent string, from January 1, 2020, to present;



1 f. All other records and contents of communications and messages  
2 made or received by the user from January 1, 2020, to present, including all Messenger  
3 activity, private messages, chat history, video calling and voice calling history, and  
pending "Friend" requests;

4 g. All "check ins" and other location information from January 1, 2020,  
5 to present;

6 h. All IP logs, including all records of the IP addresses that logged into  
7 the account from January 1, 2020, to present;

8 i. All records of the account's usage of the "Like" feature, including  
9 all Facebook posts and all non-Facebook webpages and content that the user has "liked"  
from January 1, 2020, to present;

10 j. All information about the Facebook pages that the account is or was  
11 a "fan" of from January 1, 2020, to present;

12 k. All past and present lists of friends created by the account;

13 l. All records of Facebook searches performed by the account from  
14 January 1, 2020, to present;

15 m. All information about the user's access and use of Facebook  
16 Marketplace;

17 n. The types of service utilized by the user;

18 o. The length of service (including start date), the types of service  
19 utilized by the user, and the means and source of any payments associated with the  
20 service (including any credit card or bank account number);

21 p. All privacy settings and other account settings, including privacy  
22 settings for individual Facebook posts and activities, and all records showing which  
23 Facebook users have been blocked by the account;

24 q. All records pertaining to communications between Facebook and  
25 any person regarding the user or the user's Facebook account, including contacts with  
support services and records of actions taken.

26 r. A list of any accounts linked to the SUBJECT ACCOUNT by  
27 machine cookie.  
28

Facebook is hereby ordered to disclose the above information to the government within **14 DAYS** of issuance of this warrant.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, contraband, evidence and instrumentalities of violations of Title 18, United States Code, Section 922(g) (Felon in Possession of a Firearm); Title 18, United States Code, Section 924(c) (Possessing Firearms in Furtherance of Drug Trafficking Crimes); Title 21, United States Code, Section 841(a)(1) (Distribution of, and Possession with Intent to Distribute, Controlled Substances); Title 18, United States Code, Section 1591(a)(1) and (b)(1) (Sex Trafficking through Force, Fraud, and Coercion); and Title 18, United States Code, Section 2421 (Transportation for the Purpose of Prostitution) involving EVERETT HAYES, including for the SUBJECT ACCOUNTS identified on Attachment A, information pertaining to the following matters:

- a. Evidence that EVERETT HAYES or his co-conspirators are involved in prostitution, sex trafficking, drug trafficking; or illegal possession of firearms;
- b. Evidence regarding the proceeds of the enumerated offenses;
- c. IP log evidence, including all records of the IP addresses that logged into the account, and the dates and times such logins occurred, suggesting that EVERETT HAYES traveled within or outside the Western District of Washington to conduct prostitution or sex trafficking;
- d. Evidence suggesting that EVERETT HAYES or his co-conspirators traveled within or outside the Western District of Washington to conduct prostitution or sex trafficking;
- e. Evidence that EVERETT HAYES or his co-conspirators used Facebook or Instagram to recruit individuals to prostitute for him, or to intimidate or tamper with victims or potential witnesses;
- f. Evidence of the identities of and relationships between co-conspirators;

1 g. Evidence of who uses or accesses the subject account or who exercises in  
2 any way any dominion or control over SUBJECT ACCOUNTS;

3 h. Evidence of who communicated with the SUBJECT ACCOUNTS,  
4 including records about their identities and whereabouts.

5 i. Log records, including IP address captures, associated with the specified  
6 account;

7 j. Subscriber records associated with the specified accounts, including  
8 1) names, email addresses, and screen names; 2) physical addresses; 3) records of session  
9 times and durations; 4) length of service (including start date) and types of services  
10 utilized; 5) telephone or instrument number or other subscriber number or identity,  
11 including any temporarily assigned network address such as internet protocol address,  
12 media access card addresses, or any other unique device identifiers recorded by Google in  
13 relation to the accounts; 6) account log files (login IP address, account activation IP  
14 addresses, and IP address history); 7) detailed billing records/logs; 8) means and source  
15 of payment; and 9) lists of all related accounts;

16 k. Records of communications between Facebook and any person purporting  
17 to be the account holder about issues relating to the SUBJECT ACCOUNTS, such as  
18 technical problems, billing inquiries, or complaints from other users about the specified  
19 account. This to include records of contacts between the subscriber and the provider's  
20 support services, as well as records of any actions taken by the provider or subscriber as a  
21 result of the communications.

22 l. Information identifying accounts that are linked or associated with the  
23 SUBJECT ACCOUNTS.  
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28

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS  
RECORDS PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, \_\_\_\_\_, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Facebook, and my official title is \_\_\_\_\_. I am a custodian of records for Facebook. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Facebook, and that I am the custodian of the attached records consisting of \_\_\_\_\_ (pages/CDs/kilobytes). I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;

b. such records were kept in the ordinary course of a regularly conducted business activity of Facebook; and

c. such records were made by Facebook as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.